IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

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TOP DEVELOPMENT, LLC,

ALLIANZ LIFE INSURANCE et al.,

Case No. 2:11-CV-00249-TJW Plaintiff,

JURY TRIAL DEMANDED

v.

Defendants.

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff, TQP Development, LLC, and defendant, Charles Schwab & Co., Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, subject to the terms of that certain agreement entitled "SETTLEMENT AGREEMENT", with each party to bear its own costs, expenses and attorneys' fees.

DATED: October 17, 2011 Respectfully submitted,

By: $\s \ Hao \ Ni$

Hao Ni

Texas Bar No. 24047205 hni@nilawfirm.com Ni Law Firm, PLLC 3102 Maple Ave. Suite 400

Dallas, TX 75201

Telephone: (214) 800-2208

Fax: (214) 880-2209

Andrew Wesley Spangler Spangler Law PC 208 N. Green St., Suite 300 Longview, TX 75601 903-753-9300 Fax: 903-553-0403

Email: spangler@spanglerlawpc.com

Marc Fenster mfenster@raklaw.com Andrew D Weiss

Email: aweiss@raklaw.com

Adam Hoffman

Email: ahoffman@raklaw.com

Alexander Giza

Email: agiza@raklaw.com Russ August & Kabat 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025

310-826-7474 Fax: 310-826-6991

ATTORNEYS FOR PLAINTIFF TQP DEVELOPMENT, LLC

/s/ Brett C. Govett (with permission)

Brett C. Govett
Texas Bar No. 08235900
bgovett@fulbright.com
Attorney-in-Charge
FULBRIGHT &JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
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95115057.1 - 15 Dallas, Texas 75201-2784

Tel: (214) 855-8000 Fax: (214) 855-8200

Eric Hall (Texas Bar No. 24012767) ehall@fulbright.com FULBRIGHT &JAWORSKI L.L.P. Fulbright Tower 1301 McKinney, Suite 5100 Houston, Texas 77010-3095

Tel: (713) 651-5151 Fax: (713) 651-5246

Anuj D. Dharia Texas Bar No. 24069611 adharia@fulbright.com FULBRIGHT &JAWORSKI L.L.P. 98 San Jacinto Boulevard, Suite 110 Austin, TX 78701-4255 Tel: (512) 474-5201

Fax: (512) 536-4598

ATTORNEYS FOR DEFENDANT AND COUNTERCLAIMANT, CHARLES SCHWAB & CO., INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile, and/or first class mail on this date.

\s\ Hao Ni Hao Ni